

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Joseph Allan Cunningham

Debtor,

19-cv-5480 (AJN) (SN)

Joseph Allan Cunningham,

Appellant,

-v-

OPINION & ORDER

Gregory Funding,

Appellee.

ALISON J. NATHAN, District Judge:

Before the Court is Judge Netburn’s Report & Recommendation (R&R) recommending that the Court grant the Defendant’s motion to dismiss this bankruptcy appeal. *See* Dkt. No. 26.

When considering the findings and recommendations of a Magistrate Judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a de novo determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no objections to the R&R. *Brennan v. Colvin*, No. 13-cv-6338 (AJN), 2015 WL 1402204, at *1 (S.D.N.Y. Mar. 25, 2015); *see also Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at *1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F.Supp.2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the

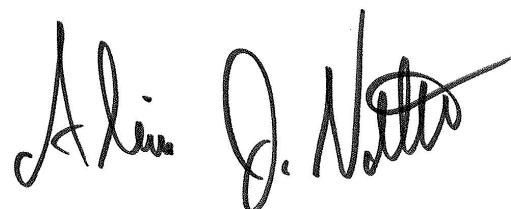
Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-cv-8265 (DAB) (MHD), 2013 WL 5405468, at *2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

Objections to Judge Netburn’s R & R were due by December 24, 2019. *See* Dkt. No. 26 at 6. As of September 27, 2020, no objections have been filed. The Court thus reviews the R&R for clear error, and finds none. The Court therefore adopts the R&R in its entirety and GRANTS Appellee’s motion to dismiss this appeal for the reasons provided in Judge Netburn’s well-reasoned and thorough Report and Recommendation.

The Clerk of Court is respectfully ordered to close this case and enter judgment. The Clerk of Court is further directed to mail a copy of this Opinion to the *pro se* Appellant and to note that mailing on the public docket.

SO ORDERED.

Dated: September 27, 2020
New York, New York



ALISON J. NATHAN
United States District Judge